

## **TIPPECANOE COUNTY DRAINAGE BOARD**

**February 5, 2020**

### **Drainage Board Meeting Minutes**

#### **Those present were:**

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David S. Byers, member Tracy A. Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. and Drainage Board Executive Administrator Brenda Garrison. James Butcher, Surveyor Office Project Manager and Tim Walters, Surveyor's office GIS Technician were also in attendance. Engineering Consultant Michelle Watts from Butler Fairman and Siefert was absent.

#### **Approval of Minutes**

David Byers made a motion to approve the January 8, 2020 Drainage Board meeting minutes as written. Tracy Brown seconded the motion. Motion carried.

#### **Cuppy McClure Drain Reconstruction Project Bid award**

The Surveyor stated the bid documents presented by Dwenger Excavating Contractors complied with specifications of the contract and recommended awarding the contract as submitted. David Byers made a motion to award the Cuppy McClure Drain Reconstruction Contract to Dwenger Excavating Contractors Inc. in the amount of \$215,805.00 as submitted. Tracy Brown seconded the motion. Motion carried. Surveyor Beasley stated a pre-construction meeting would be scheduled in the near future.

#### **Cuppy McClure Drain Reconstruction Observation Contract**

The Surveyor presented a Cuppy McClure Drain Construction Observation Contract submitted by TBIRD Design Services in the amount of \$27,500 for approval. Tracy Brown made a motion to approve the construction observation contract as presented by the Surveyor. David Byers seconded the motion. Motion carried.

#### **Timberbrook Meadows Subdivision Phase 1/Conditional Approval**

Justin Frazier with TBIRD Design Services approached the Board and presented Timberbrook Meadows Phase 1 project. The site was located on the south side of County Road 600 North west of County Road 50 West and consisted of approximately 60 acres. This project would be constructed in two sections. The first phase consisted of approximately 82 lots and the second phase would consist of 83 lots - a total of 165 single family residential lots. The site's stormwater runoff outlet into an unnamed tributary of the Cole Ditch. This tributary was located east and traversed southeasterly of the site. Drainage infrastructure and swales would direct the stormwater runoff into a detention basin located in the southeast corner of the site. Future expansion of the overall development would also include expansion of the basin. The basin would outlet into the unnamed tributary of the Cole Ditch located on the southeastern adjoining property and owned by the Tippecanoe County Commissioners. Responding to President Murtaugh's inquiry, Justin Frazier stated an easement would be obtained by the developer prior to construction of the outlet and currently were in the process of obtaining one. The Surveyor noted this was a condition to be added. Justin Frazier requested conditional approval from the Board at that time.

The Surveyor stated several meetings were held with adjoining property owners to discuss various concerns. During these meetings, George and Lisa Bittles (1327 W 600 N West Lafayette Indiana)

residing on the south side of Co. Rd. 600 North and 4 houses east of Co. Rd. 150 West stated their concerns. There were two standpipes in a farm field just west of the site that were questioned. The Surveyor stated the standpipes were not part of a county regulated drain. They were part of a private system. Mr. Bittles stated a private tile, installed in the rear yard of the second house east of the intersection of Co. Rd. 600 North and Co. Rd. 100 West, was extended and tied into the private tile system within the farm field. The Surveyor stated, as new phases of this development occurred this tile should not be forgotten. Mr. Bittles also informed the Surveyor a surface swale was constructed through his east side yard to collect surface runoff. This runoff ultimately sheet flowed into the location of future phases of the development site. The Surveyor recommended conditional approval as stated on the January 29, 2020 Burke memo with the condition of obtaining an easement from the Board of Commissioners.

Tracy Brown made a motion to grant conditional approval as recommended by the January 29, 2020 Burke memo with the added condition of obtaining an easement from the Board of Commissioners. David Byers seconded the motion. Motion carried.

#### **Petition to Establish a New Regulated Drain/Timberbrook Meadows**

A Petition to Establish a New Regulated Drain regarding the Board's acceptance of the infrastructure within new developments was discussed. The Surveyor noted he had met with the developer and discussed the option on the Timberbrook Meadows Phase 1 Subdivision project. He stated a petition would most likely be presented in the future to the Board. He noted, for the most part, HOA fees were historically used for entrance mounds, snow removal, grass mowing etc. Historically they fell short collecting dues for infrastructure within their developments. The creation of a regulated drain of a new subdivision's infrastructure would ensure the proper function of and provide maintenance for its intended use.

Attorney Masson explained the proper process and petition in situations where a developer requests the infrastructure of their development to be accepted into the County Regulated Drain Maintenance program. A Petition to Convert a Private Tile System into a County Regulated Drain was in order; due to the fact it was owned by one person. In the instance of multiple owners, a request for conversion of a development's drainage infrastructure would require a Petition to Establish a Regulated Drain document. He stated the processes were outlined in Indiana statutes. Responding to Tracy Brown's inquiry, the Attorney noted there would be no Homeowners Association (HOA) ownership of the drain. The accepted infrastructure would be taken under the County Drain Maintenance program during the petition process.

Responding to David Byers inquiry, discussion was held on the capacity of the unnamed tributary. During their review, Engineer Consultant David Eichelberger the Fred Haffner Regulated Drain would not be impacted by this and stormwater technical requirements as outlined in the current Stormwater Ordinance- both pre and post development - had been met. The pond itself would reduce the peak discharge to the unnamed tributary. Tracy Brown made a motion to grant conditional approval as recommended by the January 29, 2020 Burke memo with the added condition of obtaining an easement from the Board of Commissioners. David Byers seconded the motion. Motion carried.

## **Zach Beasley/Other Business**

### **2020 Surveyor's Regulated Drain Classification Report**

The Surveyor presented his 2020 Drain Classification Report with Exhibit A to the Board. He stated although the report is not required annually, he had historically provided the information annually to the Board. Indiana Code 36-9-27-34 was followed for this process. He noted while it does not state a required time frame, with the amount of work the Surveyor Office is conducting annually, it was beneficial to report. David Byers made a motion to accept the 2020 Drain Classification Report with exhibit as presented by the Surveyor. Tracy Brown seconded the motion. Motion carried.

## **Agreements**

### **White Horse Christian Center Landowner Agreement and Right of Entry**

The Surveyor presented a Landowner Agreement for A Drainage Easement and Right of Entry to the Board as part of the reconstruction process for the Cuppy McClure Reconstruction project. The agreement was signed and submitted by White Horse Christian Center Inc. He stated five landowner agreements were sent for signatures, currently all were received with the exception of Cumberland Proper LLC.'s agreement. However, the construction work would be within the drainage easement on their tract, dirt excavated would be hauled off their property to an adjoining property as agreed. Therefore, per statute a Right of Entry notification would be sent to Cumberland Proper LLC. prior to work commencing. He recommended approval of the White Horse Christian Center Inc. Agreement as presented. Tracy Brown made a motion to approve the White Horse Christian Center Landowner Agreement Drainage Easement and Right of Entry as submitted. David Byers seconded the motion. Motion carried.

## **Petitions:**

### **Molter/Standeford Petition Dismissal**

The Surveyor stated he was contacted by the parties who submitted the Petition to Establish a New Regulated Drain regarding the Molter/Standeford private tile. Due to the cost involved the parties agreed to dismiss the petition as submitted. He recommended dismissal as requested. Responding to Thomas Murtaugh's inquiry, the Surveyor stated drainage issues remained, however it was being addressed privately by both parties. David Byers made a motion to dismiss the petition as recommended by the Surveyor. Tracy Brown seconded the motion. Motion carried.

### **Petition to Remove an Obstruction: Keith and Debra Stingley/Bonnie Barker**

The Surveyor gave a status update on the November 2019 Obstruction Hearing on the Petition to Remove an Obstruction submitted by Keith and Debra Stingley to his office and involved the Bonnie Barker tract. As a follow-up, he was to inform the board when the swale work was completed. Since the hearing the property owner, as agreed, had the swale in question regraded and provided the Surveyor's office with photographs of the work. The Surveyor recommended dismissal of the Obstruction Petition at this time. Tracy Brown made a motion to dismiss the Petition to Remove an Obstruction submitted by Keith and Debra Stingley as the matter had been resolved. David Byers seconded the motion. Motion carried.

### **Petition to Reconstruct the H.B. Wallace Regulated Drain #82**

The Surveyor presented a Petition to Reconstruct the H.B. Wallace County Regulated Drain #82 for acceptance by the Board. The petition was submitted to his office by Rob Defreese 9334 W. 800 South Attica, Indiana 47918. The Petition was signed by four landowners who owned approximately 27% of the benefited acres within the watershed. He recommended acceptance of the Petition as presented and

refer for a report by the Surveyor. David Byers made a motion to accept the Petition to Reconstruct the H.B. Wallace County Regulated Drain#82 and referred it to the Surveyor for a report. Tracy Brown seconded the motion. Motion carried.

**Petition to Encroach Alfred Burkhalter Regulated Drain #15**

The Surveyor presented a Petition to Encroach on a Regulated Drain submitted by Kevin Dexter. He noted this was a minor issue that involved fill dirt placement on his tract. He recommended approval as presented. Tracy Brown made a motion to approve the Petition to Encroach on the Alfred Burkhalter Drain #15 submitted by Kevin Dexter. David Byers seconded the motion. Motion carried.

**Regulated Drain project (s) Update:**

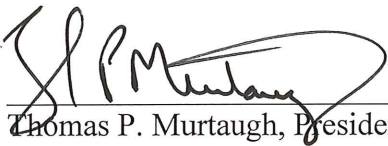
**Alexander Ross Regulated Drain #68**

The Surveyor updated the Board regarding the Alexander Ross Regulated Drain #68 Reconstruction project. The jack and bore portion of the reconstruction was completed under I65. The project was completed for the most part. It should be noted: INDOT has been invoiced for their portion of the cost within their right of way. Per Agreement EDA No: A249-19-ON190106: INDOT would reimburse a minimum of half of total costs within their right of way in the fiscal year 2020 and the remaining amount in the fiscal year 2021.

The Surveyor stated his office staff was overseeing numerous drainage projects at this time.

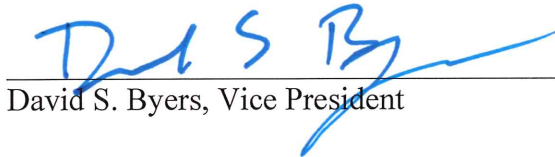
**Public Comment**

David Byers made a motion to adjourn. Motion carried.



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Thomas P. Murtaugh, President



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David S. Byers, Vice President



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Tracy A. Brown, Member

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Brenda Garrison, Executive Administrator